

Annual Town Meeting, Monday, April 28, 2014

Marshfield's Annual Town Meeting was called to order on Monday, April 28, 2014 at Furnace Brook Middle School. The meeting was convened at 7:00PM. Annual Town Meeting was adjourned at 7:10PM and Special Town Meeting was convened. All seven articles were completed. Special Town Meeting was dissolved at 9:35PM Annual Town Meeting was convened at 9:35 PM. Articles 1-3 were completed before Annual Town Meeting was adjourned at 10:40PM. Annual Town Meeting was reconvened on Tuesday, April 29, 2014 at 7:00PM, Articles 4,5,6,7,20,15,14,11,8 and 16 were completed. Annual Town Meeting was adjourned at 10:35PM. Annual Town Meeting was reconvened on Monday, May 5, 2014. Articles 17,12,27,13,18,21,25,26,9,22,23,19,24,28 and 10 were completed. Annual Town Meeting was dissolved at 11:15PM.

Town Meeting workers included: Rogene Baryski, Kay Ramsey, Madelyn Radley, Susan Flynn, Ann Studley, Terry Wening, Barry Bartlett, Narice Casper and Doreen Giles. Counters were Jim Haddad, Jim Creed, Barry Bartlett, Barry Cornwall, Otis Carney, Jack Braithwaite, Reed Stewart, Jack Cantwell, Madelyn McDonald, Kevin Robinson and Ann Marie Sacchetti.

ARTICLE 1 - The Town **VOTED** to receive the reports of its Town Officers, Boards, Commission and Committees as printed in the Annual Report.

Passed by Majority

ARTICLE 2 - The Town **VOTED** to establish the salaries and compensation of all elected Town Officers for fiscal year beginning July 1, 2014 and ending June 30, 2015 (FY2015) and to meet this appropriation to raise and appropriate the sum of \$67,536 from the FY 2015 tax levy to pay the same:

Selectmen	\$ 3,417	(Chairman \$1,229, 2 members \$1,094)
Assessors	\$ 3,687	(Chairman \$1,363, 2 members \$1,162)
Public Works	\$ 2,180	(Chairman \$816, 2 members \$682)
Planning Board	\$ 1,120	(Chairman \$320, 4 members \$200)
Board of Health	\$ 1,460	(Chairman \$376, 2 members \$442)
Town Clerk	\$ 55,580	
Moderator	\$ 92	
	\$ 67,536	

Passed by Majority

ARTICLE 3 - The Town **VOTED** to approve the capital projects and appropriate the sum of \$5,302,670 including the payment of all costs incidental and related thereto and to meet this appropriation transfer the sum of \$71,000 from Water Enterprise retained earnings, transfer the sum of \$350,000 from Wastewater retained earnings, transfer the

sum of \$170,000 from Solid Waste retained earnings, and further to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the sum of \$4,711,670. to pay for the costs of the various capital outlay expenses, and to issue bonds or notes of the Town therefor.

Department	Project/Program	Approved	Funding Source
Fire Department	Replace Self Contained Breathing Apparatus	61,000	Borrowing pursuant to MGL Ch. 44
Fire Department	Replace Car C-3 - 2004 Chevrolet Trailblazer	34,170	Borrowing pursuant to MGL Ch. 44
Fire Department	Mechanical Refurbish Engine 2, 5 & Quint 1	94,800	Borrowing pursuant to MGL Ch. 44
Harbormaster	Green Harbor: Floats/Docks/Gangways	120,000	Borrowing pursuant to MGL Ch. 44
Harbormaster	Dredging permits for Green Harbor	60,000	Borrowing pursuant to MGL Ch. 44
Police	Computers - Cruiser Laptops and Work Stations	87,500	Borrowing pursuant to MGL Ch. 44
Police	AED's	27,200	Borrowing pursuant to MGL Ch. 44
School Department	21st Century Technology - SW	377,000	Borrowing pursuant to MGL Ch. 44
School Department	Auditorium Repair and Rehabilitation - FBMS	75,000	Borrowing pursuant to MGL Ch. 44
DPW - Engineering	Mill Pond Lane Dam Repair and Design	25,000	Borrowing pursuant to MGL Ch. 44
DPW - Highway	Road Reconstruction	200,000	Borrowing pursuant to MGL Ch. 44
DPW - Highway	Replace Dump Truck 161 & 162 6whl 2001 with plow and sander	180,000	Borrowing pursuant to MGL Ch. 44
Facilities Management	Library Plaza Renovation	2,500,000	Borrowing pursuant to MGL Ch. 44
General Fund Total		3,841,670	
Wastewater Enterprise	NPDES Permit Compliance Evaluation	40,000	Retained Earnings
	Collection System Repairs	50,000	Retained Earnings
	Plant Water System and Chlorine Back Up	200,000	Retained Earnings
	Outfall System Inspection and Repairs	650,000	Borrowing pursuant to MGL Ch. 44
	Mini Loader to Replace Convento Dump Truck	60,000	Retained Earnings
Wastewater Total		1,000,000	
Solid Waste Enterprise	130 Excavator	170,000	Retained Earnings
Solid Waste		170,000	

Total			
Water Enterprise	Meter Replacement	100,000	Borrowing pursuant to MGL Ch. 44
	Water Main Upgrades	120,000	Borrowing pursuant to MGL Ch. 44
	Design & Construction Spring Street Water Main	30,000	Retained Earnings
	Well Cleaning and Rehabilitation	41,000	Retained Earnings
Water Total		291,000	
Grand Total		5,302,670	

Passed by 2/3rds Vote

ARTICLE 4 - The Town **VOTED** to reauthorize revolving funds for certain Town Departments under Massachusetts General Laws, Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2014, with the specific receipts credited to each fund the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Authorized to Spend	Revolving Fund	Revenue Source	Use of Fund	FY 2015 Spending Limit	Disposition of FY 2014 Funds
Beach Commission	Beaches	Fees charged for beach stickers, parking at public beach lots and snack bar operations.	Part-time salaries, supplies, other charges and expenses of the beach operations.	250,000	Available for Expenditure
DPW	Grass Playing Fields	All fees and associated charges for the rental of grass playing fields.	Part-time salaries, supplies, other charges and expenses of the playing field operations.	40,000	Available for Expenditure
DPW/School Committee	Stadium and Community Track Fields	All fees and associated charges for the rental of the stadium and community track turf fields.	Staff, supplies and other charges and expenses for the maintenance and replacement of the turf fields	40,000	First year of Fund
School Committee	High School Graphic Arts Program	Fees charged for the graphic arts program.	Part-time staff, supplies and equipment for the program.	30,000	Available for Expenditure
School Committee	High School Restaurant Program	Fees charged for the restaurant program.	Part-time staff, supplies and equipment for the program.	14,000	Available for Expenditure

Authorized to Spend	Revolving Fund	Revenue Source	Use of Fund	FY 2015 Spending Limit	Disposition of FY 2014 Funds
School Committee	Boat Building Program	Fees charged for the activities of the boat building program.	Part-time staff, supplies and equipment for the program.	2,000	Available for Expenditure
School Committee	Integrated Pre-school Program	Fees charged for the activities of the integrated pre-school program.	Part-time staff, supplies and equipment for the program.	30,000	Available for Expenditure
School Committee	Community Education Program Fund	Fees charged for summer school and adult education.	Services of the continuing education program staff, supplies and equipment.	18,000	Available for Expenditure
School Committee	Driver Education Program Fund	Fees charged for Driver education program.	Driver education staff, supplies, and equipment.	75,000	Available for Expenditure
School Committee	Student Parking Fund	Fees charged to students for parking.	Expenses associated with school parking lot maintenance and monitoring.	31,000	Available for Expenditure
Council on Aging	GATRA Bus	Reimbursement for Services	Expenses associated with transportation services for COA	71,000	Available for Expenditure
Selectmen	Seth Ventress Rental	Fees for Rental of Seth Ventress Building	Expenses associated with maintenance of the Seth Ventress Building	1,000	Available for Expenditure
Recreation Commission	Recreation	Fees charged for Recreational Activities	Recreational Program Expenses	258,000	Available for Expenditure
Total of All Funds				860,000	

Passed by Majority Vote

ARTICLE 5

The Town **VOTED** to transfer the sum of \$ 44,178.00 into the Stabilization Fund.

Passed by Majority Vote

ARTICLE 6 - The Town **VOTED** to appropriate the sum of \$89,661,783 to defray Town expenses and charges, including without limitation, debt and interest, wages, salaries, reserve funds, and expenses for operations for the Town's departments and offices in

the manner set forth in Article 6 of the warrant, and as also set forth beginning on page 7 of the booklet for the 2014 Annual Town Meeting for the fiscal year beginning July 1, 2014 as follows:

And to meet said appropriation of \$89,661,783:

\$80,938,944 for the General Fund

Raise and appropriate \$78,935,870 from the tax levy and other receipts

Appropriate from \$599,624 from Reserved for Appropriation accounts as follows:

\$22,000	Waterways Improvement Fund
\$31,000	Wetland Protection Fund
\$33,000	Licensing & Keeping of Dogs
\$50,000	Cemetery Perpetual Care Interest
\$463,624	Debt Excluded Bond Premium

Transfer for indirect costs:

\$488,833 from the Waste Water Enterprise Fund User Charges

\$631,832 from the Water Enterprise fund User Charges

\$282,785 from the Solid Waste Enterprise Fund User Charges

\$2,735,021 for the Wastewater Enterprise Fund

Raise and appropriate \$1,832,021 from User Charges

Raise and appropriate \$553,000 from other departmental revenue and interest

Appropriate \$350,000 from Retained Earnings

\$2,668,411 for the Solid Waste Enterprise Fund

Raise and appropriate \$1,966,911 from User Charges

Raise and appropriate \$201,500 from other departmental revenue and interest

Raise and appropriate \$200,000 from Pay As You Throw

Appropriate \$300,000 from Retained Earnings

\$3,319,407 for the Water Enterprise Fund

Raise and appropriate \$2,875,000 from User Charges

Raise and appropriate \$240,000 from other departmental revenue and interest

Appropriate \$204,407 from Retained Earnings

Passed by Majority Vote

Department		Approved
122	Selectmen Salaries	263,890
122	Selectmen Expenses	216,900
135	Town Accounting Salaries	180,478
135	Town Accounting Expenses	5,300
141	Assessors Salaries	223,840
141	Assessors Expenses	69,750
145	Treasurer/Collector Salaries	366,748
145	Treasurer/Collector Expenses	47,094

151	Legal Total	165,000
155	Info Technology Salaries	157,416
155	Info Technology Expenses	169,547
161	Town Clerk Salaries	53,221
161	Town Clerk Expenses	4,110
162	Elections/Board of Registrars	56,990
171	Conservation Salaries	113,448
171	Conservation Expenses	12,768
175	Planning Board Salaries	125,801
175	Planning Board Expenses	2,298
	Zoning Board of Appeals	
176	Salaries	28,645
176	Zoning Board of Appeals Exp	1,880
210	Police Salaries	4,211,579
210	Police Expenses	314,832
220	Fire Salaries	4,450,446
220	Fire Expenses	264,717
241	Building Inspection Salaries	251,390
241	Building Inspection Expenses	7,384
244	Sealer of Weights & Measures	5,000
292	Animal Control Salaries	64,199
292	Animal Control Expenses	10,064
293	Animal Inspection Salaries	1,800
293	Animal Inspection Expenses	0
295	Harbormaster Salaries	93,000
295	Harbormaster Expenses	50,500
301	Education	43,597,966
401	DPW Salaries	1,667,165
401	DPW Expenses	584,888
424	Automotive Fuel	450,300
510	Board of Health Salaries	198,494
510	Board of Health Expenses	24,663
541	Council on Aging Salaries	189,824
541	Council on Aging Expenses	24,828
543	Veterans Salaries	94,304
543	Veterans Expenses	385,441
610	Library Salaries	552,438
610	Library Expenses	138,250
	Trustees of Veterans	
660	Memorials	12,000
691	Historical Commission	3,780
693	Clam Flats Salaries	2,000
693	Clam Flats Expenses	1,000

940	Unclassified Salaries	1,000
940	Unclassified Expenses	30,000
942	Utilities	375,000
123	Facilities Salaries	166,000
123	Facilities Expenses	152,000
132	Reserve Fund	100,000
149	Audit	55,000
423	Snow & Ice	400,000
710	Debt Service	7,993,767
910	General Insurance	686,549
911	Retirement	4,753,698
912	Employee Benefits	5,502,329
913	Unemployment	100,000
914	Medicare	706,225
Total General Fund Budget		80,938,944
	Wastewater Salaries	865,598
	Wastewater Expenses	923,500
	Wastewater Debt Service	845,923
	Wastewater Emergency Reserve	100,000
Total Wastewater Enterprise Budget		2,735,021
	Solid Waste Salaries	611,412
	Solid Waste Expenses	1,946,999
	Solid Waste Debt Service	60,000
	Solid Waste Emergency Reserve	50,000
Total Solid Waste Enterprise Budget		2,668,411
	Water Salaries	1,157,994
	Water Expenses	911,730
	Water Debt Service	1,149,683
	Water Emergency Reserve	100,000
Total Water Enterprise Budget		3,319,407
Grand Total All Budgets		89,661,783

ARTICLE 7 - The Town **VOTED** to appropriate the sum of \$129,200 for the Compensated Absence Reserve Fund for which \$119,200 is to be used to pay school employees and \$10,000 town employees the amounts to which they are entitled under applicable collective bargaining agreements or personnel bylaws, and for unused sick leave, and to meet such appropriation transfer the sum of \$129,200 from Free Cash.

Passed by Majority Vote

ARTICLE 8 - The Town **VOTED** to appropriate the sum of \$20,000 to be transferred to the Other Post-Employment Benefits Liability Trust Fund as established at the April 2009 Special Town Meeting and, to meet such appropriation transfer the sum of \$20,000 from Free Cash.

Passed by Majority Vote

ARTICLE 9 - The Town **VOTED** to appropriate the sum of \$5,000 to fund the following non-profit agencies which provide services to Marshfield residents and to meet such appropriation transfer the sum of \$5,000 from Free Cash:

Clift Rodgers Free Library - \$1,000

YWCA - \$1,000

South Coastal Counties Legal Services, Inc. - \$1,000

Southeast Regional Network/South Shore Women's Resource Center - \$1,000

Grad Nite Live, Inc. - \$1,000

Passed by Majority Vote

ARTICLE 10 - The Town **VOTED** to amend the Town of Marshfield General Bylaws by adding a new Article 92 as follows:

**ARTICLE NINETY TWO - PUBLIC CONSUMPTION OF MARIJUANA OR
TETRAHYDROCANNABINOL**

**Article Ninety Two - PUBLIC CONSUMPTION OF MARIJUANA OR
TETRAHYDROCANNABINOL**

SECTION I. Restriction against Public Consumption

No person shall ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) other than a qualifying patient with a valid medical certification of a debilitating condition all as defined under state law while in or upon any street, sidewalk, public way, footway or pathway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any town owned vehicle; or in any place accessible to the public. No person, including a qualifying patient with a valid medical certification of a debilitating condition, as defined under state law, shall smoke marijuana or tetrahydrocannabinol, in any public place set forth herein.

SECTION II. Enforcement

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Passed by Majority Vote

ARTICLE 11 - The Town **VOTED** to accept sum of money from the Hurricane Sandy Coastal Resiliency Competitive Grants Program, implemented by the National Fish and Wildlife Program in response to an application jointly submitted by the Town of Marshfield and Town of Scituate to dredge the channel of the South River from the Sea Street Bridge to the confluence of the North and South Rivers and mouth and inclusive of all or a portion of areas A, B, and C and to place the dredge spoils on adjacent land located in North Humarock as shown on a plan filed with the Town Clerk, and to appropriate \$260,000 as the Town's matching share of the costs of this project; to meet this appropriation, \$110,000 shall be transferred from the unexpended funds raised under Article 3 of ATM 2012 originally appropriated to pay costs of South River dredging, and the Treasurer, with the approval of the Selectmen, is authorized to borrow \$150,000 under G.L. c. 44, s. 7(17A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Town is further authorized to apply for and accept any grants from The Commonwealth of Massachusetts that may be available to the Town for this project, and, to the extent any such grants are received prior to the issuance of any bonds or notes authorized by this vote, the borrowing authorized by this vote shall be reduced accordingly. No sums shall be borrowed, transferred or expended hereunder unless and until the Selectmen shall have determined that the grant from the Hurricane Sandy Coastal Resiliency Competitive Grants Program, implemented by the National Fish and Wildlife Program as described above, has been awarded to the Town.

Passed by 2/3s Vote

ARTICLE 12 - The Town **PASSED OVER** a vote to accept a grant of some amount from the Coastal Community Resiliency Grant Program Implemented by the State Office of Coastal Zone Management (CZM) for the purpose of evaluating alternatives, identifying mitigating measures to be taken and conducting preliminary design of selected alternatives in the Hewitt's Point area to reduce the impacts from coastal storms, and to authorize the use of unexpended funds appropriated under Article 14 STM 4/2013 Seawall and Rip-Rap in some amount to apply as matching funds equivalent to the Town's 25 percent share of the total project cost.

Passed Over

ARTICLE 13 - The Town **VOTED** to appropriate the sum of \$17,500 to be used for the emergency temporary repair of private ways open to the public in accordance with Article 52 of the General Bylaws of the Town of Marshfield and to meet said appropriation transfer the sum of \$17,500 from Free Cash, said funds to be expended under the direction of the DPW Superintendent and under the general supervision of the Board of Public Works.

Passed by Majority Vote

ARTICLE 14 - The Town **VOTED** to appropriate the sum of \$15,000 to be used for grading of private dirt roads which are open to the public under Article 52 of the General Bylaws and, to meet said appropriation transfer the sum of \$15,000 from Free Cash, said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works.

Passed by Majority Vote

ARTICLE 15 - The Town **VOTED** to amend the Town of Marshfield Zoning Bylaws as follows:

1. Amend ARTICLE II. Definitions by inserting the following new definitions in the appropriate alphabetical order.

Medical Marijuana Facility: A “Medical Marijuana Treatment Center” shall mean a not-for-profit entity, as defined by Massachusetts law, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

Marijuana for Medical Use: Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in the Citizens Initiative Petition #11-11 (Question #3 on the November, 2012 state ballot) .

Marijuana: All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes marijuana infused products except where the context clearly indicates otherwise.

2. Amend Article V. TABLE OF USE REGULATIONS by inserting the following new use # 21 Community Facilities

Article V. Section 5.04 **TABLE OF USE REGULATIONS**

Principal Uses	Residential	Business	Industrial	Overlay
----------------	-------------	----------	------------	---------

	R-1	R-2	R-3	R B	B-1	B-2	B-3	B-4	O P	I-1	A	PM UD	WR PD
COMMUNITY FACILITIES													
21. Medical Marijuana Treatment Center	-	-	-	-	-	-	-	-	-	S	-	-	-

3. Insert a new section in Article XII. Special Requirements - Section 12.04:

Section 12.04: Special Requirements for Medical Marijuana Treatment Centers

12.04.1. Purpose

The purpose of this bylaw is to provide for the establishment of Medical Marijuana Treatment Centers in locations appropriate for the use and to regulate the use under strict conditions in accordance with the passage of the Citizens Initiative Petition #11-11 (Question #3 on the November, 2012 state ballot) and 105 CMR 725.100.

To minimize the adverse impacts of Medical Marijuana Treatment Centers on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.

To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Treatment Centers.

12.04.2. Applicability

No Medical Marijuana Treatment Center shall be established except in compliance with the provisions of Section 12.04. Nothing in this Bylaw shall be construed to supersede any state or federal laws or regulations governing the sale and distribution of narcotic drugs. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Medical Marijuana Treatment Center under Section 12.04 of this bylaw.

12.04.3. General Requirements and Conditions for all Medical Marijuana Facilities

3.1 All non-exempt Medical Marijuana Treatment Centers shall be contained within a building or structure.

3.2 No Medical Marijuana Treatment Centers shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

- 3.3 Medical Marijuana Treatment Centers shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to authorize the use of medical marijuana.
- 3.4 The hours of operation of Medical Marijuana Treatment Centers shall be set by the Special Permit Granting Authority, the Zoning Board of Appeals (ZBA), but in no event shall said Facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM.
- 3.5 No Medical Marijuana Treatment Center shall be located on the same lot or a lot which abuts the Marshfield Boys & Girls Club property, any public or private school building, day care facility or any public playground, recreation facility, athletic field or other park where children congregate, or any residential zoning district and the PMUD Overlay District.
- 3.6 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Treatment Center.
- 3.7 Medical Marijuana Treatment Centers shall not be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a trailer, recreational vehicle, movable or stationary mobile vehicle.
- 3.8 Notwithstanding any provisions of Article VII of this Bylaw, Signage for all Medical Marijuana Treatment Centers shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height. The sign shall be located in a visible location near the main entrance to the facility. Exterior signs shall identify the name of the establishment but shall not contain any other advertising information.
- 3.9 Medical Marijuana Treatment Centers shall provide the Marshfield Police Department, Building Commissioner and the ZBA with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or keyholders.

12.04.4. Special Permit Requirements

- 4.1 Medical Marijuana Treatment Centers shall only be allowed by Special Permit issued by the Marshfield Zoning Board of Appeals in accordance with G.L. c. 40A, §9 and Section 10.10 of this Bylaw, subject to the following statements, regulations, requirements, conditions and limitations.
- 4.2 A Special Permit for a Medical Marijuana Treatment Center shall be limited to

one or more of the following uses that shall be determined by the ZBA:

- a. Cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a Special Permit;
- b. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
- c. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

4.3 In addition to the application requirements established by the Zoning Board of Appeals by rule and elsewhere in this Bylaw, a Special Permit application for a Medical Marijuana Treatment Center shall include the following:

- a. The name and address of each owner of the establishment and property owner;
- b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the establishment;
- c. Evidence of the Applicant's right to use the site for the establishment, such as a deed, or lease;
- d. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the names and addresses of all individuals associated with that entity;
- e. A certified abutters list of all parties in interest entitled to notice of the hearing for the Special Permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
- f. Proposed security measures for the Medical Marijuana Treatment Center, including lighting, fencing, surveillance cameras, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. The security measures shall be reviewed and approved by the Police Department.
- g. The facility shall provide service to qualified patients by appointment only.
- h. The facility shall provide free delivery to all qualified patients.
- i. No products shall be displayed in the facilities windows or be visible from any street or parking lot.

- j. All employees shall be 18 years of age or older.
- 4.4 Mandatory Findings: In addition to the findings required under Section 10.10, the Zoning Board of Appeals shall not issue a Special Permit for a Medical Marijuana Facility unless it finds that:
- a. The establishment is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
 - b. The applicant clearly demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable State laws and regulations; and
 - c. The Applicant has satisfied all of the conditions and requirements of this Sections 12.04;
- 4.5 Annual Reporting: All Medical Marijuana Treatment Centers permitted under this Bylaw shall as a condition of its Special Permit file an annual report with the ZBA, Police Chief and the Town Clerk no later than January 31st of each year. The Annual Report shall include a copy of all current applicable state licenses for the establishment and/or its owners and demonstrate continued compliance with the conditions of the Special Permit. In the event that the Annual Report is not received by January 31st or if the report is incomplete, the owners of the Medical Marijuana Treatment Center will be required to appear before the ZBA to provide the required information.
- 4.6 A Special Permit granted under this Section shall have a term limited to the duration of the applicant's ownership or lease of the premises as a Medical Marijuana Treatment Center. A Special Permit may be transferred only with the approval of the ZBA in the form of an amendment to the Special Permit with all information required in this Section 12.04.

12.04.5. Abandonment or Discontinuance of Use

- 5.1 The Zoning Board of Appeals shall require the applicant to post a bond prior to the issuance of a building permit to cover costs for the removal of the Medical Marijuana Treatment Center in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in Section 5.0 and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Zoning Board of Appeals with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the Town to remove the improvement in compliance with law at prevailing wages.

5.2 A Special Permit shall lapse if not exercised within one year of issuance.

5.3 A Medical Marijuana Treatment Center shall be required to remove all materials, plants equipment and other paraphernalia:

- a. Prior to surrendering its state issued licenses or permits; or
- b. Within six months of ceasing operations; whichever comes first.

12.04.6. Severability

If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

Passed by 2/3 Vote

ARTICLE 16 - The Town **VOTED** to amend the Town of Marshfield Zoning Bylaws as follows:

1. Amend ARTICLE II. Definitions by inserting the following new definitions in the appropriate alphabetical order.

Building Height: The vertical distance from the average finished grade, measured 6' horizontally from the foundation of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip, pitch or sloped roof. In connection with flood proofing a structure above the Base Flood Elevation as determined by the current National Flood Insurance Rate Maps, the building height shall be measured from the Base Flood Elevation as determined by then current Flood Insurance Rate Maps.

Passed by 2/3 Vote

ARTICLE 17 - The Town **VOTED** to amend the Zoning Bylaw Article XIII Superimposed Districts by inserting the following new section 13.05. Brant Rock Village Overlay District

XIII. Superimposed Districts
13.05 Brant Rock Village Overlay District

- 13.05.1. Purpose – The purpose of the Brant Rock Village Overlay (BRVO) District is to protect and enhance the public health, safety, environment and general welfare by establishing minimum requirements for new development and redevelopment of existing properties and uses located in the BRVO district.

New development and redevelopment within the BRVO district are intended to reduce the impacts from actual and projected coastal flooding. In addition, these regulations are intended to promote certain types of Mixed-Use buildings, as defined in Article II. Definitions to provide for commercial uses on the first floor and residential uses on the second floor. The Village of Brant Rock has a historical development pattern that contains both commercial and residential uses within a single building and other geographical areas which are substantially residential. Many of the existing buildings have these pre-existing non-conforming uses. The BRVO will authorize certain Mixed-Uses within a single building provided such buildings can be designed and constructed in a manner that preserves and respects the historic New England architecture of the Brant Rock Village and reduces damage caused by chronic flooding that is prevalent in the BRVO district.

- 13.05.2. Scope of Authority – The Brant Rock Village Overlay District (BRVO) is hereby established as an Overlay District and shall be superimposed over the existing Business Waterfront (B-4) Zoning District. All regulations of the Marshfield Zoning Bylaw applicable to the underlying districts shall remain in effect, except that where the Brant Rock Village Overlay District allows for mixed use buildings, these regulations shall prevail.
- 13.05.3. District Boundaries – The boundaries of the Brant Rock Village Overlay District are delineated on the Official Zoning Map. The overlay district boundaries shall follow the boundaries of the existing Business Waterfront (B-4) Zoning District in the Brant Rock Village area.
- 13.05.4. Applicability – BRVO provides a development alternative for property owners within the Overlay District if they are flood proofing a structure at or above the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100 hundred year storm event established Base Flood Elevation (BFE).

Any new building construction, reconstruction or additions to structures within the BRVO that include flood- proofing at or above the BFE have the option to build a Mixed-Use building with commercial uses allowed on the first floor and residential uses allowed on the second floor. Mixed Use buildings shall be subject to the following BRVO regulations.

- 13.05.5. Allowed Uses
 - 5.1 All uses permitted in the B-4 District.
 - 5.2 Residential use of two and half stories by Special Permit issued by the Zoning Board of Appeals subject to the building height requirements in Section 7 below.
- 13.05.6. Design Requirements

6.1 Flood Proofing - All of the building shall be elevated above the FEMA FIRM Base Flood Elevation (BFE). Providing a BFE higher than the minimum required by FEMA, to plan for projected sea level rise is encouraged. Moisture and rot resistant breakaway panels shall be provided to screen the building's pilings or piers in the area between the natural ground elevation and the first floor. These breakaway elements should be consistent with the rest of the building's design elements.

6.2 Outside Boardwalk - All buildings shall provide an outdoor boardwalk, farmer's porch or similar structure, elevated above the BFE, set back from the street or sidewalk. The boardwalk or porch on the first floor shall be a minimum of 10' wide measured from the inside edge of the top of the stairs to the outermost wall of the commercial first floor building.

13.05.7. Intensity and Dimensional Regulations

All new buildings, redeveloped buildings, or additions for proposed mixed use shall comply with the following intensity and dimensional regulations.

Setbacks:

Front – A 10' setback is required. No setback from the front property line is required for stairs or ramps leading above the BFE or any boardwalk or porch located above the BFE.

Side - No sideline setbacks are required for buildings providing the ability to have a continuous boardwalk to abutting buildings. Adjoining property owners are encouraged to connect boardwalks and porches to create a continuous elevated pedestrian walkway within the BRVO. For buildings that do not provide the ability to connect to abutting buildings a 5' setback is required. Driveways are allowed within the setback.

Rear – A 15' building setback is required. Parking spaces and maneuvering lanes are allowed within the setback.

Density - Residential dwelling units on the second story are allowed by Special Permit at a density of up to 3 dwelling units per 10,000 square feet of underlying land area.

Lot Size – The minimum lot size for a Mixed-Use building is 10,000 square feet.

Building Height – The maximum building height is 2.5 stories or 35' measured above the FEMA FIRM Base Flood Elevation.

13.05.8. Architecture

New buildings additions and reconstruction where mixed uses are proposed shall be designed to incorporate the design elements in the following design sketch:

- 13.05.9 Mixed-Use - Buildings shall be designed to reflect the traditional New England coastal village architecture found within the region. The mass, proportion, and scale of the building, roof shape, roof pitch, proportions and relationships between doors and windows should be harmonious among themselves.

Architectural details of new construction and proposed reconstruction as well as any additions to existing buildings should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.

Wherever possible, the building's location shall be oriented parallel to Ocean St. and Dyke Rd., unless there is a compelling reason to do otherwise that will enhance the proposed project. Building façades in excess of thirty (30) feet wide shall incorporate recesses and projections, of a minimum of two (2) feet in depth, to break up the building's mass. The building roof line should include variations in pitch and height and include dormers, turrets and decks. All building materials shall be moisture and rot resistant in consideration of the coastal weather conditions.

- 13.05.10. Landscaping

Landscape plantings shall be comprised of native plant species that have adapted to coastal site conditions such as wind, salt spray, flooding and burial. Plantings that provide a variation of seasonal colors are encouraged in elevated planters at both the boardwalk and sidewalk levels.

- 13.05.11. Parking

Parking shall be provided as required in Article VII. Off-Street Parking & Loading Requirements. In the BRVO one parking space for each bedroom in all residential units is required. Existing public parking spaces located within 300' of the street frontage for the property may be counted toward meeting the minimum parking requirements for commercial uses, by Special Permit pursuant to Section 8.05 of the Bylaw.

- 13.05.12. Signs

All commercial signs shall comply with Article VII. Signs.

- 113.05.13. Accessibility

All commercial units and boardwalks shall comply with the requirements of the American Disability Act (ADA) and the State Architectural Access Board.

- 13.05.14. Affordable Housing

Mixed-use buildings shall provide affordable housing for low or moderate income individuals as defined in Article II. Definitions. The construction of all residential housing shall include affordable housing in compliance with Section 11.14 Inclusionary Zoning For Affordable Housing. The number of affordable units required shall be in accordance with the requirements of Section 11.14.4 Provisions of Affordable Units – Bonuses and Incentives. When determining the number of affordable and density bonus units, the number of as-of-right units in the formula shall be equal to the number of units allowed by special permit in the bylaw. If the residential units are for rent, the provisions of Section 11.14.4.2(b) Fees-in Lieu of Construction is not applicable.

- II. Amend Article V Use Regulations by inserting a new use # 6. Mixed Use Building.

Section 5.04

TABLE OF USE REGULATIONS

Principal Uses	Residential				Business					Industrial		Overlay Districts		
	R-1	R-2	R-3	R-B	B-1	B-2	B-3	B-4	O-P	I-1	A	PMUD	WRPD	BRVO
<u>RESIDENTIAL</u>														
1. One-family detached dwelling	P	P	P	P	-	S	P	P	-	-	-	-	P	P
2. Open Space Residential Development (see Section 11.04)	S	S	S	S	-	-	-	-	-	-	-	-	S	-
3. Age Restricted Adult Village (See Section 11.08)	S	S	S	S	-	-	-	-	-	-	-	S	S	-
4. Small Scale Ground Mounted Wind Energy Conversion Facilities	S	S	S	S	S	S	S	S	S	S	-	S	S	S

Principal Uses	Residential				Business					Industrial		Overlay Districts		
	R-1	R-2	R-3	R-B	B-1	B-2	B-3	B-4	O-P	I-1	A	PMUD	WRPD	BRVO
5. Building Mounted Wind Energy Conversion Facilities	S	S	S	S	S	S	S	S	S	S	-	S	S	S
6. Mixed Use Building (see Article XIII. <u>Superimposed Districts</u> section 13.05 Brant Rock Village Overlay District)	-	-	-	-	-	-	-	-	-	-	-	-	-	S

- III. To amend Article II Definitions by inserting the following new definition for “Mixed Use Building” in the appropriate alphabetical order.

Mixed Use Building – A building that includes both commercial and residential uses within a single building.

Passed by 2/3^{rds} Vote

ARTICLE 18 - The Town **VOTED** to raise and appropriate the sum of \$40,000 for the purpose of funding pursuant to Massachusetts General Laws, Chapter 59 Section 5K, a Senior Citizen Real Estate Tax Vouchers for services rendered pursuant to an agreement to be formulated between the Council on Aging and the Board of Selectmen.

Passed by Majority Vote

ARTICLE 19 - The Town **PASSED OVER** raising and appropriating the sum of \$19,500 to fund a design and development study to expand the usable space on the second floor at the Council on Aging Senior Center, said funds to be expended under the direction of the Town Administrator and the general supervision of the Board of Selectmen.

Passed Over

ARTICLE 20 - Item 1 Motion - *Historic Reserve Set Aside*

The Town **VOTED** to appropriate, upon the recommendation of the Community Preservation Committee, the sum of \$200,329 from FY2015 Community Preservation Fund revenues to Historic Reserve.

Passed by Majority Vote

ARTICLE 20 - Item 2 Motion - *Open Space Reserve Set Aside*

The Town **VOTED** to appropriate, upon the recommendation of the Community Preservation Committee, the sum of \$200,329 from FY2015 Community Preservation Fund revenues to the Open Space Reserve.

Passed by Majority Vote

ARTICLE 20 - Item 3 Motion - *Affordable Housing Reserve Set Aside*

The Town **VOTED** to appropriate, upon the recommendation of the Community Preservation Committee, the sum of \$200,329 from FY2015 Community Preservation Fund revenues to the Affordable Housing Reserve.

Passed by Majority Vote

ARTICLE 20 - Item 4 Motion - *Administrative Services*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee, to appropriate the sum of \$100,164 from FY2015 Community Preservation Fund revenues to defray the administrative and operating expenses of the Committee.

Passed by Majority Vote

ARTICLE 20 - Item 5 Motion - *Historic Reserves for Old Winslow's Cemetery*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for historic resource restoration, rehabilitation and preservation purposes, to appropriate the sum of \$43,495 to restore and preserve the historic gravestones and tombstones at the Old Winslow Burial Ground and to meet this appropriation to transfer the sum of \$43,495 from the Community Preservation Fund Historic Reserve, said funds to be expended under the direction of the Historic Commission and/or Department of Public Works.

Passed by Majority Vote

ARTICLE 20 - Item 6 Motion - *Historic Reserves Two Mile Cemetery Preservation*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for historic resource restoration, rehabilitation and preservation purposes, to appropriate the sum of \$41,768 to restore and preserve the historic gravestones and tombstones at Two Mile Cemetery and to meet this appropriation to transfer the sum of \$41,768 from the Community Preservation Fund Historic Reserve, said funds to be expended under the direction of the Historic Commission and/or Department of Public Works.

Passed by Majority Vote

ARTICLE 20 - Item 7 Motion - *Affordable Housing Coordinator's Salary*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for community housing purposes, to appropriate the sum of \$65,000 from FY2015 Community Preservation Fund revenues to fund the Affordable Housing Coordinator's salary and/or expenses.

Passed by Majority Vote

ARTICLE 20 - Item 8 Motion - *Undesignated Fund Balance for Harbor Park Restoration*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for open space and/or recreational land use creation, restoration and rehabilitation purposes, to appropriate the sum of \$450,000.00 to create a passive recreation park at the Town Pier, known as Harbor Park, and to meet this appropriation, appropriate the sum of \$148,864.25 from FY2015 Community Preservation Fund revenues and transfer the sum of \$301,135.75 from the Undesignated Fund balance of the Community Preservation Fund, said funds to be expended under the direction of the Harbormaster and Department of Public Works.

Passed by Majority Vote

ARTICLE 20 - Item 9 Motion - *Open Space and Recreation Fund for Skate Park Restoration*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for recreational land use creation, restoration and rehabilitation purposes, to appropriate the sum of \$375,000 from FY2015 Community Preservation Fund revenues to restore the Uncle Bud Skate Park, said funds to be expended under the direction of Recreation Department and Board of Selectmen and shall be subject to the condition that no such funds shall be expended until the receipt of an unencumbered gift of prepaid landscape and maintenance services, the sum of \$37,500.00 as surety for the provision landscape and maintenance services, proof of transferability of all warranties, and receipt of final permits and approvals of plans and specifications approved by the appropriate local and/or state permit granting authorities all as proposed to the Community Preservation Committee.

Passed by Majority Vote

ARTICLE 20 - Item 10 Motion - *Open Space and Recreation Fund for Walking Path*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for recreational land use creation, restoration and rehabilitation purposes, to appropriate the sum of \$146,000 from FY2015 Community Preservation Fund revenues to create an outdoor walking path and supporting parking spaces at the Marshfield Senior Center/ Marshfield Youth Baseball Complex, said funds to be expended under the direction of the Council on Aging and Recreation Department.

Passed by Majority Vote

ARTICLE 20 - Item 11 Motion - *Open Space and Recreation Fund for Restoration of Fields and Playgrounds*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for open space and/or recreational land use creation, restoration and rehabilitation purposes, to appropriate \$135,000 from FY2015 Community Preservation Fund revenues for Open Space/Recreation, to continue rehabilitation and restoration of the Town of Marshfield's athletic fields and playgrounds, said funds to be allocated \$100,000 to athletic fields work and \$35,000 to playgrounds work and expended under the direction of the Department of Public Works.

Passed by Majority Vote

ARTICLE 20 - Item 12 Motion - *Open Space and Recreation Fund for Trail Creation at Pratt Property*

The Town **VOTED**, upon the recommendation of the Community Preservation Committee for open space and/or recreational land use creation, restoration and rehabilitation purposes, to appropriate the sum of \$16,000 from FY2015 Community Preservation Fund revenues to fund design, engineering plans and permitting for walking trails and a kayak launch on the so-called Pratt Property located off of Willow and South River Streets, said funds to be expended under the direction of the Open Space Committee.

Passed by Majority Vote

ARTICLE 21- The Town **DEFEATED** appropriating the sum of \$200,000 to pay costs of sidewalk repairs and improvements on both sides of Old Main St, Marshfield Hills, specifically on the southeast side from the North Community Church heading north to the post office and on the northwest side of Old Main Street from Highland Street to Prospect Street to the Brooks Singer playground at the fire station on Old Main Street, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7(5) and 7(6) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, said funds to be expended under the direction of the Superintendent of Public Works and the general supervision of the Board of Public Works.

Defeated

ARTICLE 22 - The Petitioner **WITHDREW** Article 22 raising and appropriating the sum of \$1,500.00 from available funds for the support of the Clift Rodgers Free Library

Withdrawn

ARTICLE 23 - The Petitioner **WITHDREW** Article 23 raising and appropriating the sum of \$1,700.00 from available funds for the support of the Marshfield Branch of the YWCA Cambridge.

Withdrawn

ARTICLE 24 - The Town **VOTED** to accept the jet fuel excise tax. The jet fuel excise is a local option tax. The imposition, collection and payment of jet fuel excise shall apply only in a municipality that has voted to accept the excise. Currently, jet fuel excise has been accepted in Bedford, Boston, Concord, Lexington, Lincoln, North Andover, Norwood and Worcester. The excise is collected by the state and returned to Marshfield on a quarterly basis

Passed by Majority Vote

ARTICLE 25 - The Town **DEFEATED** setting landing fees starting July 1, 2014.

Landing fees subject to annual adjustments, with a minimum landing fee of \$15.

6,000 to 12,499 lbs. \$1.50 per thousand pounds, rounded off

12,500 lbs. and over \$2.50 per thousand pounds, rounded off

Landing fee exemptions for aircraft that are non-revenue producing, weighing less than 12,500 lbs. maximum gross weight or less, according to the manufacturers aircraft operating manual. Military/Government operations are exempt from landing fees.

All medical operations are exempt from landing fees.

All revenue-generating aircraft, regardless of weight or where they are based, are subject to the landing fee.

Defeated

Yes 77 - No 89

ARTICLE 26 - The Town **VOTED** to enact a new General Bylaw to require seat belts for all school buses picking children up in the Town of Marshfield

General bylaw shall read as follows:

All school buses picking up children on regular school bus routes, sporting events and class trips shall provide three point seat belts for each child. Effective next school bus contract and future contracts.

Passed by Majority Vote

Yes 88 - No 73

ARTICLE 27 - The Town **DEFEATED** raising and appropriating from free cash the sum of \$2,000 to reimburse plaintiffs of Valianti, et al v. Town of Marshfield, et al for legal fees they incurred upholding Town Meeting's legal right to offer amendments to Community Preservation motions on the floor of Town Meeting.

Defeated

Yes 96 – No 98

ARTICLE 28 - The Town **VOTED** to approve an amendment to Article 78 of the General Bylaws of the Town of Marshfield by adding a new Section 2.5 as follows:

2.5: Legislative Body Actions on Recommendations

Subject to the requirement of Massachusetts General Law, Chapter 44B, no expenditures shall be made from the Community Preservation Fund without first an appropriation from Town Meeting. The Town Meeting may make appropriations from or reservations of community preservation funds in the amount recommended by the Committee or it may reduce or reject any recommended amount. It may also vote to reserve all or part of the annual revenues recommended by the Committee for appropriation for specific acquisitions or initiatives for later appropriation by allocating the funds to the reserve for that category of expenditures instead. The Town Meeting may not increase any recommended appropriation or reservation, and it may not appropriate or reserve any fund monies on its own initiative without a prior recommendation by the Committee.

Passed by Majority Vote

Yes 68 – No 65